

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DEDRA DE LA ROSA,

Plaintiff,

-against-

42ND APPLE LLC d/b/a APPLEBEE'S, DAVE  
& BUSTER'S OF NEW YORK, INC., and FC  
42ND STREET ASSOCIATES, L.P.,

Defendants.

Docket No. 13 Civ. 1036 (SAS) (SN)

**SCHEDULING ORDER**

**SHIRA A. SCHEINDLIN, U.S.D.J.:**

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed Scheduling Order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

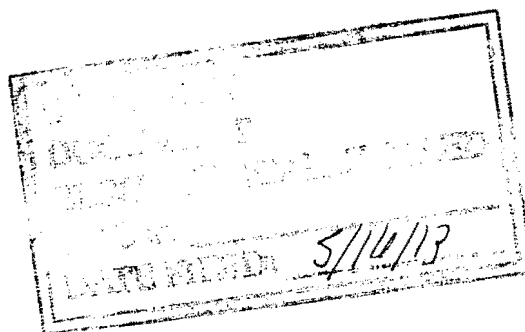
**(1) the date of the conference and the appearances for the parties:**

May 15, 2013

Glen Parker, Esq.  
Adam Hanski, Esq.  
PARKER HANSKI LLC  
Attorneys for plaintiff

Thomas J. Fleming, Esq.  
Peter M. Sartorius, Esq.  
OLSHAN FROME WOLOSKY LLP  
Attorneys for defendant 42<sup>nd</sup> Apple LLC

Sarah E. Bell, Esq.  
PRYOR CASHMAN LLP  
Attorneys for defendant Dave & Buster's of New York, Inc.



Michael Tiliakos, Esq.  
DUANE MORRIS LLP  
Attorneys for defendant FC 42<sup>nd</sup> Street Associates, L.P.

**(2) the date by which automatic disclosures will be exchanged:**

Initial disclosures shall be served within 14 days of this Order.

**(3) a concise statement of the issues as they then appear:**

Whether the defendants' public accommodations violate the 1991 Standards for Accessible Design and/or the 2010 Standards for Accessible Design, and the accessibility requirements of the Administrative Code of the City of New York; if yes, whether the defendants' negligently, intentionally, or with reckless disregard, designed and maintained their public accommodations; if yes, whether plaintiff suffered damages on account of the foregoing.

**(4) a schedule including:**

**(a) The Parties agree to stay all discovery for 45 days after this conference in attempt to settle this matter and request a judicial settlement conference in furtherance of that goal.**

**(b) the names of persons to be deposed and a schedule of planned depositions:**

Plaintiff, on or before September 30, 2013.

Defendants, by their designated corporate representatives, on or before October 30, 2013.

**(c) a schedule for the production of documents:**

All parties shall serve requests for production of documents on or before ~~July 24, 2013,~~ and produce documents in response to any such requests on or before ~~August 24, 2013.~~ *June 7* *June 28*

**(d) dates by which (i) each expert's report will be supplied to the adverse side and (ii) each expert's deposition will be completed:**

Plaintiff's expert report, if any, to be produced on or before September 13, 2013.

Defendants' expert report(s), if any, to be produced on or before October 13, 2013.

Each expert deposition shall be conducted on or before ~~November 30, 2013.~~ *Nov. 15*

**(e) time when discovery is to be completed:** Fact discovery, on or before September 30, 2013. Expert discovery, on or before November ~~30, 2013.~~ *15*

**(f) the date by which plaintiff will supply its pre-trial order matters to**

**defendants:** On or before January 3, 2014.

- (g) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed *voir dire* questions and proposed jury instructions, for a jury trial: On or before January 31, 2014.

- (h) the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d):

Oct 15 at 4:00

- (5) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders: None at this time.
- (6) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement. None at this time.
- (7) anticipated fields of expert testimony, if any: Accessibility and finance.
- (8) anticipated length of trial and whether to court or jury: 2 to 4 days, to Court.
- (9) a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires.

[CONTINUED ON NEXT PAGE]

(10) names, addresses, phone numbers, and signatures of counsel:

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SO ORDERED:

  
SHIRA A. SCHEINDLIN  
U.S.D.J.

5/15/13